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on July 16, 2004

Marcos Y. Kleinerman
Applicant, Pro Se

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Marcos Y. Kleinerman

GROUP : 2859

SER. No. : 10/643,700

EXAMINER: Gail Verbitsky

FILED : August 18, 2003

TITLE : **METHODS AND DEVICES FOR SENSING TEMPERATURE AND ANOTHER PHYSICAL
PARAMETER WITH A SINGLE OPTICAL PROBE**

APPLICANT'S TERMINAL DISCLAIMER PURSUANT TO 37 CFR § 1.321(c)

Honorable Commissioner for Patents

Sir,

.This communication is in response to the Office action mailed to the applicant on June 29, 2004, wherein the Examiner rejected claims 1-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 9-13 of U.S. Patent No. 6607300 by Kleinerman.

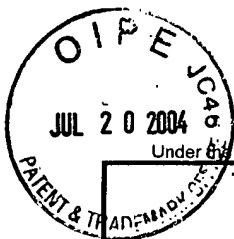
Applicant hereby submits the attached Terminal Disclaimer, including the applicable fee, which overcomes the rejection of said claims 1-14 of the instant application.

Applicant believes that all claims 1-16 of the instant application are now in condition for allowance.

Respectfully submitted,

Marcos Y. Kleinerman, Pro Se
Applicant

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

In re Application of: **MARCOS Y. KLEINERMAN**Application No.: **10/643,700**Filed: **08/18/2003**For: **Methods and devices for sensing temperature and another physical parameter with a single optical probe**

The owner **MARCOS Y. KLEINERMAN** of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,607,300**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is the Pro Se Applicant
~~an attorney or agent of record.~~

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Signature

Date

MARCOS Y. KLEINERMAN

Typed or printed name

(413) 549-7124

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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